

CR 51. JURY INSTRUCTIONS

(a) Joint Instructions. Twenty-one days before jury instructions are due, the parties shall exchange proposed jury instructions, verdict forms, and, if necessary, special interrogatories. Plaintiff is responsible for submitting proposed standard civil instructions and proposed instructions on any issue on which plaintiff bears the burden of proof. Defendant is responsible for submitting proposed instructions on any issue on which defendant bears the burden of proof. The parties shall confer with the objective of filing with the court one set of agreed-upon instructions, verdict forms, and interrogatories which addresses all elements of all claims and defenses in the case.

(b) Disputed Instructions. If the parties cannot agree on one complete set of instructions, verdict forms, and interrogatories, they shall file two documents with the court. The first document, titled "Joint Instructions," shall reflect all agreed-upon instructions, verdict forms, and interrogatories. The second document, titled "Joint Statement of Disputed Instructions," shall present each disputed instruction, verdict form, and/or interrogatories in the following order:

(1) At the top of the page, the proposed language shall be set forth with an identification of the party proposing it and a statement of any legal authority in support of the proposed language (not to exceed one page);

(2) Immediately following the proposed language and supporting legal authority, the opposing party shall set forth its alternative language, if any, and its objections to the proposed language along with any legal authority in support of the objections (not to exceed one page).

(c) Format. Each proposed instruction, whether filed jointly or under objection, shall be submitted on numbered paper. Each proposed instruction shall bear a unique instruction number and brief title at the top of the page and shall identify the source(s) of the proposed instruction at the bottom of the page.

The parties shall propose instructions from the most recent version of the Manual of Model Jury Instructions for the Ninth Circuit (see www.wawd.uscourts.gov) wherever appropriate. If Washington State law is to be applied to a particular issue and the federal model instructions are not applicable, the parties shall advise the court of any applicable portion of the Washington Pattern Jury Instructions--Civil, and either propose that instruction or explain why the court should not give it. Any modifications to instructions taken from the above sources or from any other form instructions must be specifically noted such that the court and opposing parties are able to identify each modification. Any authority supporting the modification shall also be noted.

A table of contents shall be included with all jury instructions submitted to the court. The table of contents shall set forth the following information:

(1) the number of the instruction;

- (2) a brief title of the instruction;
- (3) the source of the instruction;
- (4) the page number of the instruction; and
- (5) the proposing party(ies).

For example:

Number	Title	Source	Page No.	Party
3	Burden of Proof	9 [FNth] Cir. 5.1	4	plaintiff
4	Disability Defined	WPIC 330.32	18	defendant

(d) Filing. The original "Joint Instructions" and **any** "Joint Statement of Disputed Instructions" shall be filed with the clerk. The parties shall provide a copy of the instructions for the judge. Both the original and the judge's copy shall include citations of authority. The parties are also strongly urged to provide an uncited copy for the judge in a disk format as directed by the in-court deputy or as published on the court's web site at **[http:// www.wawd.uscourts.gov](http://www.wawd.uscourts.gov)**. The judge may also require the parties to file printed, uncited copies.

(e) Copy of Instructions for Jury Use. The court will provide written copies of the instructions to the jury.

[Effective May 1, 1992; amended effective July 1, 1997; January 1, 2002.]